

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MELVIN BOWMAN, :  
Plaintiff, :  
: :  
v. : Case No. 2:19-cv-03092-JDW  
: :  
MARK WAHL, *et al.*, :  
Defendants. :  
:

**ORDER**

AND NOW, this 6th day of August, 2019, upon consideration of Plaintiff's Motion for Leave to Proceed in Forma Pauperis (ECF No. 1), Plaintiff's Complaint (ECF No. 2), and Plaintiff's Motion to Appoint Counsel (ECF No. 4), and for the reasons set forth in the Court's accompanying Memorandum, it is **ORDERED** as follows:

- 1) Plaintiff's Motion for Leave to Proceed in Forma Pauperis (ECF No. 1) is **GRANTED**;
- 2) Pursuant to 28 U.S.C. 1915(a), Plaintiff's Complaint (ECF No. 2) is **DISMISSED** for failure to state a claim. Plaintiff's Eighth Amendment and/or Due Process claims are **DISMISSED WITH PREJUDICE**, but his Equal Protection claim is **DISMISSED WITHOUT PREJUDICE**. Plaintiff is granted leave to file an Amended Complaint if he has a good faith basis to allege facts to support an Equal Protection claim;
- 3) Plaintiff shall file any Amended Complaint within thirty (30) days of the date of this Order; and
- 4) Plaintiff's Motion to Appoint Counsel (ECF No. 4) is **DENIED** as moot.

The Clerk of Court shall close this case for statistical purposes.

**BY THE COURT:**

/s/ Joshua D. Wolson  
JOSHUA D. WOLSON, J.